

### **REMARKS/ARGUMENT**

Claims 1-3, 5-21, and 23-26 are pending in the application upon entry of the present Amendment. Claims 4 and 22 are herein canceled. Independent claims 1, 9, and 19 are herein amended to more clearly define the presently claimed invention. Specifically, the set of pointers defining a dynamically sequenced list of record data structures, the ordering data structures being a record of pointers to a source, and a source data file being a data file in the set of files at a source location from which it is read to be recorded to the optical disc are all specifically defined. Additionally, it is specifically recited that the processing of the record data files is in the writing order according to the dynamically sequenced list, and that each file in the set of files has a corresponding ordering data structure. Claims 2-8 are amended to more clearly recite dependency from claim 1, directly or indirectly. Additional claim amendments are submitted to correct errors in antecedent bases and minor grammatical errors. No new matter is introduced. The Examiner is directed to page 11, line 15 - page 12 line 11 of the specification as filed for support of the dynamic sequencing definition and processing. The Examiner is directed to page 13, line 10 - page 14, line 15, and Figure 3 of the specification as filed for the definition of the ordering data structure, the definition of a source data file, and that each file in the set of files has a corresponding ordering data structure.

### **Rejections under 35 USC §102**

Claims 1-26 were rejected under 35 U.S.C. §102(b) as being anticipated by Osterlund (U.S. Patent No. 5,034,914). This rejection is respectfully traversed, and Applicant requests reconsideration.

Osterlund teaches a data storage system and method for writing data to an optical disc. According to the Osterlund system and method, data is written to an optical disc with an embedded directory which stores information about each data file or record written to the disc. The embedded directory includes a record or file length. Additionally, a high level directory is written to the disc having addresses for each of the embedded directories. According to the Osterlund system and method, records, or files, of varying lengths are efficiently written to an optical disc having fixed-length sectors.

In independent claim 1 of the presently claimed invention, Applicant claims a method for processing data to be recorded on an optical disc. The method includes examining a set of files selected to be recorded on the optical disc, and creating a record data structure for each file in the set of files to be recorded on the optical disc. Then, a set of pointers is generated to associate the record data structures with a writing order. The set of pointers defines a dynamically sequenced list of record data structures. The method next provides for processing each of the record data structures one after another in the writing order according to the dynamically sequenced list of record data structures. The processing of the record data structures produces ordering data structures for each file in the set of files. The ordering data structures are a record of pointers to a source data file, with each file in the set of files having a corresponding ordering data structure. The method then provides for processing the ordering data structures to write the set of files onto the optical disc in the writing order. The source data file is defined as a data file in the set of files at a source location from which it is read to be recorded on the optical disc.

In independent claim 9, as amended herein, Applicant claims a method for recording data onto an optical disc. The method provides for generating a set of pointers to associate record data structures with a writing order. The set of pointers defines a dynamically ordered list of record data structures. The method also includes processing each of the record data structures one after another in the writing order to produce an ordering data structure for each file in a set of files to be recorded onto the optical disc. Each ordering data structure is a record of pointers to a source of data for recording onto the optical disc. Next, the method provides for processing each ordering data structure to write the set of files onto the optical disc in the writing order defined by the dynamically ordered list of record data structures.

In independent claim 19, as amended herein, Applicant claims a computer readable media having program instructions for recording data onto an optical disc. The computer readable media includes program instructions for examining a set of files selected to be recorded on the optical disc, and for creating a record data structure for each file in the set of files to be recorded on the optical disc. The computer readable

media further includes program instructions for generating a set of pointers to associate record data structures with a writing order. The set of pointers defines a dynamically sequenced list of record data structures, and the writing order is a sequence in which each file in the set of files is to be recorded onto the optical disc. Additionally, the computer readable media includes program instructions for processing each of the record data structures, one after another and in the in the writing order according to the dynamically sequenced list to produce an ordering data structure for each file in a set of files. The ordering data structure has a pointer to a source location of a corresponding data file. Finally, the computer readable media includes program instructions for processing each ordering data structure to write the set of files onto the optical disc in the writing order.

In order for a reference to anticipate a claim, *each and every element as set forth in the claim* must be found in the reference, either expressly or inherently described. MPEP 2131. The fact that words or phrases may be common to the reference and a claim is not enough. Each and every element must be found, and each and every element must be found as set forth in the claim. Applicant respectfully submits that Osterlund does not anticipate Applicant's independent claims 1, 9, or 19, as amended herein.

In a high-level analysis of the reference, Osterlund teaches a method and system for data structure and format *on the destination optical media*. Applicant's presently claimed invention claims features of host system processing. Accordingly, creating record data structures, creating ordering data structures, generating a set of pointers, processing record data structures, processing ordering data structures, and so forth by a host system in the processing of data to be recorded to an optical disc is not anticipated by a destination optical media having some structure and format to the data contained thereon. A method to get data to a destination optical media is not necessarily anticipated by a reference describing a structure and format of data already recorded to an optical disc.

Specifically, Osterlund does not teach or suggest a set of pointers defining a dynamically sequenced list of record data structures. Osterlund does not teach the calculating or determining of a specific writing order, and does not teach dynamic

sequencing of record data structures. Although Osterlund does describe “pointers,” the pointers described do not define a dynamically sequenced list of record data structures.

Further, Osterlund does not teach or suggest ordering data structures. Applicant has claimed ordering data structures as records of pointers to a source data file with each file in the set of files having a corresponding ordering data structure. Again, although Osterlund does describe “pointers,” the pointers described, in general, are to a starting point of a record *on an optical disc* (col. 6, lines 4-25), or to a specific location in buffer memory (col. 14, lines 1-20). The “pointers” of the Osterlund reference, at least, do not dynamically sequence a list of record data structures, and are not associated with a source data file. Applicant has specifically defined and claimed a source data file as being at a source location from which it is read to be recorded to the optical disc.

Accordingly, for at least the above reasons, the Osterlund reference does not teach *each and every element* as set forth in Applicant’s independent claims 1, 9, or 19, and therefore does not anticipate Applicant’s independent claims 1, 9, or 19. Likewise, Osterlund does not teach each and every element of Applicant dependent claims 2-3, 5-8, 10-18, 20-21, or 23-26, each of which depend directly or indirectly from one of independent claims 1, 9, or 19. Osterlund therefore does not anticipate claims 1-3, 5-21, or 23-26, as amended herein, and Applicant respectfully requests that the §102 rejections of the claims as being anticipated by Osterlund be withdrawn.

Claims 1-26 were rejected under 35 U.S.C. §102(e) as being anticipated by McMurdie et al. (U.S. Patent No. 6,401,169). This rejection is respectfully traversed, and Applicant requests reconsideration.

McMurdie et al. teach a method for handling buffer under-runs during the recording of files to an optical disc. The McMurdie et al. method includes reserving a track for recording a file system associated with recording of one or more files to the optical disc. The one or more files are recorded to the optical disc in a track that logically follows the reserved track. In case of a buffer under-run, a current track is closed, a gap recorded, and recording resumed in a new track following the gap. Path tables and directory descriptors of the file system are written after the recording of the one or more

files, and a volume descriptor sequence of the file system is recorded in the reserved track after recording the path tables and the directory descriptors.

Like the Osterlund reference, McMurdie et al. describe structure and format of data on an optical media. And, like the Osterlund reference, McMurdie et al. does include some words and phrases that are also found in the presently claimed invention. However, it is respectfully pointed out, that merely having words or phrases in common is not enough to establish that a reference anticipates the claims. ***Each and every element as set forth in the claim*** must be found in the reference, either expressly or inherently described. Applicant submits that McMurdie et al. fail to anticipate Applicants claims 1-3, 5-21, or 23-26, as amended herein, and Applicant requests these rejections be withdrawn.

As has been described in the past, McMurdie et al. teach structure and format of data ***on a destination optical media***. Similar to the Osterlund reference, McMurdie et al. do not teach, at least, a set of pointers defining a dynamically sequenced list of record data structures. McMurdie et al., for example, do teach a “pointer” in the VDS that identifies a location of the file system, but do not teach a set of pointers to associate the record data structures, or any other structure, with a writing order, and do not teach the set of pointers defining a dynamically sequenced list of record data structures. McMurdie et al. do not teach dynamic sequencing.

Further, because McMurdie et al. teach structure and format on a destination disc, McMurdie et al. do not teach ordering data structures being a record of pointers to a source data file with each file in the set of files having a corresponding ordering data structure. As Applicant has repeatedly described in detail in the past, McMurdie et al. teach structure and format on a destination optical media. Applicant is claiming host processing of data in order to write the data to a destination optical media. Applicant recognizes that the reference does use and claim similar language, but a claim element or feature is more than just a word or phrase.


For at least the above reasons, McMurdie et al. do not anticipate Applicant’s independent claims 1, 9, or 19, as amended herein. Likewise, McMurdie et al. do not teach each and every element of Applicant dependent claims 2-3, 5-8, 10-18, 20-21, or

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23-26, each of which depend directly or indirectly from one of independent claims 1, 9, or 19. McMurdie et al. therefore do not anticipate claims 1-3, 5-21, or 23-26, as amended herein, and Applicant respectfully requests that the §102 rejections of the claims as being anticipated by McMurdie et al. be withdrawn.

In view of the foregoing, Applicants respectfully request reconsideration of claims 1-3, 5-21, and 23-26, as amended herein. Applicants submit that all claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. If Examiner has any questions concerning the present Amendment, the Examiner is kindly requested to contact the undersigned at (408) 749-6900, ext. 6905. If any additional fees are due in connection with filing this amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. ROXIP120). A copy of the transmittal is enclosed for this purpose.

Respectfully submitted,  
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